

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLINTON GOODRICH, Husband,)
and RUTH GOODRICH, Wife,)

Plaintiffs,)

v.)

ARGENT MORTGAGE, Company,)
LLC, FIRST SOURCE)
MORTGAGE, Corp., and CITI)
RESIDENTIAL LENDING, Inc.,)

Defendants.)

4:08CV3070

**MEMORANDUM
AND ORDER**

This matter is before the court on the defendant Argent Mortgage's ("Argent") Amended Motion to Compel. (Filing No. [26](#).) In its motion, Argent seeks to compel answers to interrogatories served on the former counsel for the plaintiffs on May 30, 2008. (Filing No. [26](#).) After withdrawal of counsel, the plaintiffs are proceeding pro se in this matter. (Filing No. [21](#).) On July 17, 2008, Argent sent a copy of the interrogatories directly to the plaintiffs and requested a response within five days. (Filing No. [26-3](#), Attach. 2.) The plaintiffs have not answered the interrogatories and have not responded to the Motion to Compel. (Filing No. [26](#) at CM/ECF p. 2; *see also* Docket Sheet.) In light of this, the Amended Motion to Compel is granted. The plaintiffs shall have until January 5, 2009, to answer the interrogatories. In the event that the plaintiffs fail to answer the interrogatories by that date, the claims against Argent will be dismissed without prejudice and without notice.

In addition, the court notes that summons was issued to defendant First Source Mortgage on April 11, 2008. (Filing No. [6](#).) However, that summons has never been returned as executed and it appears that First Source Mortgage has not been served with process in this matter. (*See* Docket Sheet.) The plaintiffs shall have until

January 5, 2009, to serve First Source Mortgage with summons and a copy of the complaint. In the event that the plaintiffs fail to serve First Source Mortgage by that date, the claims against First Source Mortgage will be dismissed without prejudice and without further notice.

IT IS THEREFORE ORDERED that:

1. the defendant Argent Mortgage's Amended Motion to Compel (filing no. [26](#)) is granted. The plaintiffs shall have until **January 5, 2009**, to answer the interrogatories. In the event that the plaintiffs fail to answer the interrogatories by that date, the claims against Argent Mortgage will be dismissed without prejudice and without notice.

2. the plaintiffs shall have until **January 5, 2009**, to serve First Source Mortgage with summons and a copy of the complaint. In the event that the plaintiffs fail to serve First Source Mortgage by that date, the claims against First Source Mortgage will be dismissed without prejudice and without further notice.

3. the clerk of the court is directed to set a pro se case management deadline in this case with the following text: January 5, 2009: check for response to interrogatories and service on First Source Mortgage and dismiss claims if none filed.

Dated December 8, 2008.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge